

4. A host cell comprising the isolated polynucleotide of Claim 1.
5. (Amended) The host cell of Claim 4, which is a *coryneform* bacterium.
6. (Amended) The host cell of Claim 4, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.
7. A method for detecting a nucleic acid with at least 70% homology to nucleotide of Claim 1, comprising contacting a nucleic acid sample with a probe or primer comprising at least 15 consecutive nucleotides of the nucleotide sequence of Claim 1, or at least 15 consecutive nucleotides of the complement thereof.
8. A method for producing a nucleic acid with at least 70% homology to nucleotide of Claim 1, comprising contacting a nucleic acid sample with a primer comprising at least 15 consecutive nucleotides of the nucleotide sequence of Claim 1, or at least 15 consecutive nucleotides of the complement thereof.
9. A process for screening for polynucleotides, which encode a protein having the activity of the RodA cell division protein comprising
  - a) hybridizing the isolated polynucleotide of Claim 1 to the polynucleotide to be screened;
  - b) expressing the polynucleotide to produce a protein; and
  - c) detecting the presence or absence of RodA protein activity in said protein.
10. A method for making a RodA protein, comprising culturing the host cell of Claim 4 for a time and under conditions suitable for expression of the RodA protein; and collecting the RodA protein.
11. An isolated polynucleotide, which comprises SEQ ID NO:1 and encodes a protein

which has the activity of the RodA cell division protein.

12. An isolated polynucleotide, which is complimentary to the polynucleotide of Claim 11.

13. (Amended) An isolated polynucleotide, which is at least 70% identical to the polynucleotide of Claim 11 and encodes a protein which has the activity of the RodA cell division protein.

14. (Amended) An isolated polynucleotide, which is at least 80% identical to the polynucleotide of Claim 11 and encodes a protein which has the activity of the RodA cell division protein.

15. (Amended) An isolated polynucleotide, which is at least 90% identical to the polynucleotide of Claim 11 and encodes a protein which has the activity of the RodA cell division protein.

16. An isolated polynucleotide, which comprises at least 23 consecutive nucleotides of the polynucleotide of Claim 11.

C<sup>1</sup>  
17. An isolated polynucleotide, which hybridizes under stringent conditions to the polynucleotide of Claim 11 or the complement thereof; wherein said stringent conditions comprise washing in 5X SSC at a temperature from 50 to 68°C.

19. A vector comprising the isolated polynucleotide of Claim 11.

20. A host cell comprising the isolated polynucleotide of Claim 11.

21. (Amended) The host cell of Claim 20, which is a *coryneform* bacterium.

22. (Amended) The host cell of Claim 20, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

23. A process for screening for polynucleotides, which encode a protein having the activity of the RodA cell division protein comprising

- a) hybridizing the isolated polynucleotide of Claim 11 to the polynucleotide to be screened;
- b) expressing the polynucleotide to produce a protein; and
- c) detecting the presence or absence of the activity of the RodA cell division protein in said protein.

24. A method for detecting a nucleic acid with at least 70% homology to nucleotide of Claim 11, comprising contacting a nucleic acid sample with a probe or primer comprising at least 15 consecutive nucleotides of the nucleotide sequence of Claim 11, or at least 15 consecutive nucleotides of the complement thereof.

25. A method for producing a nucleic acid with at least 70% homology to nucleotide of Claim 11, comprising contacting a nucleic acid sample with a primer comprising at least 15 consecutive nucleotides of the nucleotide sequence of Claim 11, or at least 15 consecutive nucleotides of the complement thereof.

26. A method for making RodA protein, comprising

- a) culturing the host cell of Claim 20 for a time and under conditions suitable for expression of the RodA protein; and
- b) collecting the RodA protein.

38. (Amended) A process for producing an L-amino acid, comprising

- a) culturing the host cell of Claim 4 in a medium suitable for producing the L-amino acid and for a time and under conditions suitable for producing the L-amino acid; and
- b) collecting the L-amino acid.

39. (Amended) The process of Claim 38, wherein said host cell is a *coryneform*

bacterium or *Brevibacterium*.

40. The process of Claim 39, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

41. The process of Claim 38, wherein the L-amino acid is L-lysine.

42. The process of Claim 38, further comprising isolating the L-amino acid.

43. (Amended) A process for producing an L-amino acid, comprising

- See D2*
- a) culturing the host cell of Claim 20 in a medium suitable for producing the L-amino acid and for a time and under conditions suitable for producing the L-amino acid; and
  - b) collecting the L-amino acid.

44. (Amended) The process of Claim 43, wherein said host cell is a *coryneform* bacterium or *Brevibacterium*.

*C1*

45. The process of Claim 44, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

46. The process of Claim 43, wherein the L-amino acid is L-lysine.

47. The process of Claim 43, further comprising isolating the L-amino acid.

*See D3*

48. (Amended) An isolated polynucleotide, comprising at least 23 consecutive nucleotides of SEQ ID NO. 1, having the function of a primer in a polymerase chain reaction to prepare or amplify a polynucleotide encoding a protein/polypeptide having the activity of

the RodA cell division protein.

49. (Amended) An isolated polynucleotide comprising at least 23 consecutive nucleotides of SEQ ID NO: 1 or the complement thereof, having the function of a probe in a hybridization reaction to isolate, detect, or determine a polynucleotide encoding a protein/polypeptide having the activity of the RodA cell division protein.

*Sum D3*  
*C1*  
~~Claims 2, 18, 27-37 Canceled~~

#### SUPPORT FOR THE AMENDMENTS

Claims 38, 43, 48, and 49 have been amended.

Claims 38 and 43 have been amended to recite positive method steps that were previously omitted. Claims 48 and 49 have been amended recite that the polynucleotide according to SEQ ID NO:1. These amendments are supported by the specification.

Accordingly, no new matter is believed to have been added to this application by these amendments.